

terminal 11 is a combined telephone and modem that features a touch sensitive liquid crystal touch screen display 13 with 'buttons' 14 that the user touches to access services. The interactive touch screen display 13 is the user accessible aspect of the terminal interface...The terminal may include a telephone handset 15 for voice communications." (col. 4, 1.54 - 65) There is no teachings or suggestion as to a motivation to combine this simple touch screen interface with the complicated virtual reality room of Kirk, which is directed to a multi-user virtual space, which has no disclosure concerning the completion of financial transactions. T

The reason given by the examiner for supporting the combination is pure speculation: "it would have been obvious to one of ordinary skill in the art....to implement Kirk's VR network in the computer system of Fulton to moderate data communication between users...". This has no support in Fulton, since all the communication is between an individual user and the system, all processing done in the background, and such secure transactions are not undertaken in a open environment, but rather access is limited due to the sensitive nature of the transactions.

The examiner attempted to bolster this unsupported speculation by stating this combination "... would have ensured data communication between members of the same VR and tracked communication between users occupying the same VR." However, Fulton has no VR rooms or users sharing a VR room or anything like a VR room and this statement relies on circular reasoning, and provides no support for modifying Fulton as the examiner proposes.

As there is nothing taught or suggested in Fulton supporting the combination, the combination is improper. Also, more than a simply combination is involved as such an integration would require a substantial modification to Fulton, particularly since the simple user interface, a key component of the Fulton system must be disposed of to make the combination.

There is no motivation whatsoever to modify Fulton as the examiner proposes. Rather, the examiner has engaged in a hindsight reconstruction, picking and choosing only those elements believed to arrive at the applicant's invention without any teaching, suggestion or incentive to do so.

The following Federal Circuit quotation is illustrative, and applies to the examiner's proposed modification of the prior art. "The genius of invention is often a combination of known elements which in hindsight seem preordained. To prevent invalidation of hindsight patent claims, the law requires some 'teaching, suggestion or reason' to combine cited references [cite omitted]. When the art in questions is relatively simple, as is the case here, the opportunity to judge by hindsight is particularly tempting. Consequently, the tests of whether to combine [or modify] references need to be applied rigorously. See In re Dembiczak, 175 F.3d 994, 999, 50 U.S.P.Q.2d 1614, 1617 (Fed. Cir. 1999), limited on other grounds by In re Gartside, 203 F.3d 1305 (Fed. Cir. 2000) (guarding against falling victim to the insidious effect of a hindsight syndrome wherein that which only the inventor taught is used against its teacher). McGinley v. Franklin Sports, Inc., 60 U.S.P.Q.2d 1001 (Fed. Cir. 2002).

Without a hindsight reconstruction, the rejected claims are not rendered obvious by Fulton in view of Kirk.

In addition, the combination even if made does not arrive at the applicants' invention. Claim 21 requires means for engaging a dispatcher for locating resources and tools for the user. Claim 26 requires at least one iconic image representing means for engaging a dispatcher for locating resources and tools for the user. Claim 32 requires providing access to a dispatcher for locating resources and tools for the user.

The examiner has failed to consider the meaning of these claim limitations. In particular, the "dispatcher" is used to locate resources for a user, providing tools for creating reports, graphics, letters, presentations, including access to an AI based system for morphing solutions, etc. (p.14, l. 20 - p. 15, l.5). The dispatcher may also locate experts or help locate relevant databases, or technical resources, to facilitate the problem solving process. (p.17, l. 8-12).

The examiner believes this limitation is met by Kirk, i.e. "configuring a co-space server, communicating with other servers and data bases to monitor virtual clients....". However, this does not satisfy the claim limitation.

The co-space server is configured as "a receiver, a virtual three dimensional room builder, and a sender." Col. 6, l.47-50. In other words, it sets up the VR room and maintains the VR room for use, but the co-server has no means for engaging a dispatcher for locating resources and tools for the user. It merely supports the virtual environment.

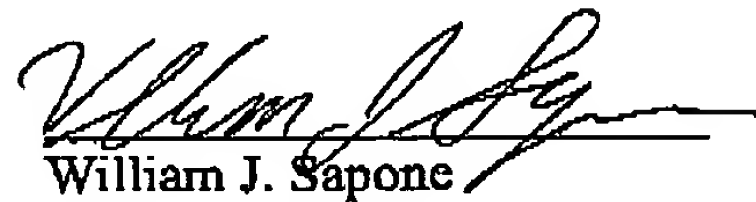
While the co-space server can access a database of room attributes, set up portals and track the state of users, it can do no more. Nowhere is there any teaching or suggestion for the use of a dispatcher to facilitate problem solving and so the invention is not obvious in view of the combination.

The examiner has not indicated where in Kirk there are such means for engaging a dispatcher, and such means do not exist, nor are they taught or suggested by the prior art. They are only found in the applicants' invention. Consequently, claims 21, 22, 24-30, 32 and 34-37 are not obvious under 35 USC 103(a)

Based on the above remarks, favorable consideration and allowance of the application is respectfully requested. However should the examiner believe that direct contact with the

applicant's attorney would advance the prosecution of the application, the examiner is invited to telephone the undersigned at the number given below.

Respectfully submitted,



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